

**Minutes of the Regular Meeting
of the Massachusetts Board of Elementary and Secondary Education
Tuesday, February 25, 2020, 9:05 a.m.– 10:45 a.m.
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148**

Members of the Board of Elementary and Secondary Education Present:

Katherine Craven, Chair, Brookline

James Morton, Vice-Chair, Boston

Amanda Fernandez, Belmont

Matthew Hills, Newton

James Peyser, Secretary of Education

Paymon Rouhanifard, Brookline

Mary Ann Stewart, Lexington (via remote participation, per Art. II, sec. 8 of BESE by-laws)

Matthew Tibbitts, Student Advisory Council, Ludlow

Martin West, Newton

Member of the Board of Elementary and Secondary Education Absent:

Michael Moriarty, Holyoke

Jeffrey C. Riley, Commissioner of Elementary and Secondary Education

Chair Craven convened the meeting of the Board of Elementary and Secondary Education (Board) at 9:05 a.m. Members introduced themselves.

Public Comment

- Dr. Ralph Toran, retired Superintendent of Schools, Norwood, addressed the Board on Student Opportunity Act and District Plans to Close Gaps in Opportunity and Achievement
- Dr. Cara Stillings-Candal, Chair of the Board of Trustees of City on a Hill Charter Public School, addressed the Board on Renewal of Charter for City on Hill Charter Public School Circuit Street and Request to Consolidate Two Charters
- Kevin T. Taylor, Chief Executive Officer, City on a Hill Charter Public School, addressed the Board on Renewal of Charter for City on Hill Charter Public School Circuit Street and Request to Consolidate Two Charters
- Corey Spaulding, parent, addressed the Board on matters relating to her child's education
- Stephan Lephume, Boston, addressed the Board on the Boston Public Schools district review
- Keri Rodrigues, Somerville parent and founder and Mom-in-Chief of Massachusetts Parents United, addressed the Board on the Boston Public Schools district review
- Erika Sanchez, East Boston parent, addressed the Board on the Boston Public Schools district review

- Diana Cifuentes, East Boston parent, addressed the Board on the Boston Public Schools district review
- Natasha Megie-Maddrey, Boston parent and Boston Public Schools graduate, addressed the Board on the Boston Public Schools district review
- Oswald Neptune, Mattapan parent and grandparent, addressed the Board on the Boston Public Schools district review
- Rodolfo Aguilar, Boston parent and Boston Public Schools graduate, addressed the Board on the Boston Public Schools district review

Comments from Commissioner Riley

Commissioner Riley updated the Board on the advisory committee on the competency determination (CD), chaired by Dr. Dana Mohler-Faria, former president of Bridgewater State University. The Commissioner noted that the committee held its first meeting on February 3. He said the committee heard information about the history of the CD and the introduction of the next-generation MCAS tests, and began initial discussions about the current requirements for high school graduation and the process for revising those requirements. Commissioner Riley said the committee will meet again during the first week of March and the first week of April to continue the work to formulate a full set of recommendations for his consideration.

Commissioner Riley also highlighted that the 2020 Census is less than 50 days away and said it is the foundation that determines how much federal funding the Commonwealth receives for the next decade. Commissioner Riley said school districts are encouraged to participate in the Census in Schools week during the week of March 2. He added that the Department of Elementary and Secondary Education (Department) recently held several webinar meetings on the 2020 Census for the K-12 community and urban superintendents, and superintendents should contact his office if they need assistance in their communities.

Comments from the Secretary

Secretary Peyser affirmed the importance of the 2020 Census to Massachusetts and noted the Census Bureau is still looking for full- and part-time workers; he encouraged schools to notify parents of these employment opportunities. Secretary Peyser said he would have to leave today's meeting before its conclusion and Assistant Secretary Tom Moreau would take his place for the remainder of the meeting.

Approval of Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education approves the minutes of the January 28, 2020 Regular Meeting

The vote was unanimous. Ms. Stewart, participating remotely, voted yes.

Student Opportunity Act (SOA) and District Plans to Close Gaps in Opportunity and Achievement: Overview and Proposed Regulations, 603 CMR 55.00, for Emergency Adoption

Chair Craven introduced Russell Johnston, Senior Associate Commissioner, Deb Steenland, Deputy General Counsel, Dan Anderson, Associate Commissioner, and Rob Curtin, Associate Commissioner. Commissioner Riley explained his rationale for recommending that the Board adopt these regulations on an emergency basis: they are necessary to implement or interpret the requirements set forth in the SOA relating to district plans; they provide essential direction to districts about the plans so that the additional funds are used for appropriate educational purposes in accordance with the SOA; and they must take effect before April 1, 2020, the statutory deadline for each district to submit its plan.

Vice-Chair Morton asked the panel if there is any reason not to adopt these regulations. Mr. Johnston said there is no reason not to do this and added that the guidance the Department has already provided to districts aligns closely with the statute, and the regulations are a complement to it. He said it is important to give clear direction to districts through the regulations now because superintendents have to prepare and submit the district plans by April 1. Vice-Chair Morton moved to approve the regulations.

Ms. Fernandez asked for clarification about the process. Mr. Johnston gave an overview of the process and expectations for the district plans, noting each district will have to address in its plan four areas outlined in the law. He said the Department has created a template that asks each district to make four “Student Opportunity Commitments” to close opportunity and achievement gaps among student subgroups. Ms. Steenland explained the timing challenge and rationale for emergency adoption of the regulations: the SOA took effect on February 24, 2020 and requires districts to submit their plans by April 1, 2020, which does not allow enough time to follow the usual regulatory process. She added that fortunately, the Administrative Procedure Act anticipates this kind of situation and allows for the adoption of regulations on an emergency basis. Ms. Steenland said the emergency regulations would be in effect for three months, during which time the Department would solicit public comment; the Commissioner plans to bring them back to the Board in May for a final vote.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. c. 69, § 1B and c. 70, §§ 2 and 3, hereby adopts the Regulations for Student Opportunity Act Plans, 603 CMR 55.00, as presented by the Commissioner.

Further, in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, the Board finds that the immediate adoption of these regulations is necessary for the preservation of public welfare, and that observation of the requirements of prior notice and public comment would be contrary to the public interest. The Board directs the Commissioner to provide notice and an opportunity for public comment on the emergency regulations, in

accordance with the requirements of G.L. c. 30A, § 3, within the next three months.

The vote was unanimous. Ms. Stewart, participating remotely, voted yes.

Proposed Amendments to 603 CMR 4.00 Vocational Technical Education Regulations, Phase I – Vote to Adopt Proposed Regulations

Commissioner Riley presented an overview, noting that in November 2019, the Board voted to solicit public comment on proposed amendments to the Vocational Technical Education (VTE) regulations. He said some of the suggestions have been incorporated into the amendments, as outlined in the document and detailed in the summary. The Commissioner recommended that the Board vote to adopt the proposed amendments, including the additional changes. He noted this is the first phase of the VTE regulations amendment process, and potential changes to student admissions will be addressed separately in Phase 2, later this year. Commissioner Riley introduced Senior Associate Commissioner Cliff Chuang, who explained the amendments are designed to address three main objectives: (1) support the creation of new VTE programs and expand access to the full range of programs for students; (2) strengthen program quality; and (3) streamline the vocational educator licensure process and create additional pathways to licensure.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. chapter 69, §§ 1B and 1F and chapter 74, § 2, and having solicited public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopts the amendments to the Vocational Technical Education Regulations, 603 CMR 4.00, as presented by the Commissioner.

The vote was unanimous. Ms. Stewart, participating remotely, voted yes.

Chair Craven announced a short break at 10:20 a.m. The meeting reconvened at 10:30 a.m. Chair Craven said the Board would take item 4 out of order. She introduced Senior Associate Commissioner Cliff Chuang, Alison Bagg, Director of the Office of Charter Schools and School Redesign, and Alyssa Hopkins, School Development Manager.

Charter Schools: Renewal of Charter for City on Hill Charter (CoaH) Public School Circuit Street and Request to Consolidate Two Charters

Commissioner Riley presented a brief summary and recommended that the Board renew the school's charter, grant the consolidation request with modifications, and place the resulting single CoaH CS charter school on probation with the conditions described in the memorandum. Secretary Peyser commended the board and leadership of the school for taking decisive action, noting the outcome will depend on how those decisions are executed. Mr. Tibbitts asked for clarification about the school's maximum enrollment. Ms. Hopkins explained that under the consolidation plan, the maximum enrollment would be less than it is for the two schools.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.12(2), hereby renews the charter of City on a Hill Charter Public School, Circuit Street for the five-year period from July 1, 2020, through June 30, 2025, and places the school on probation with conditions on the school's charter, as recommended by the Commissioner. In addition, that the Board of Elementary and Secondary Education hereby consolidates the charters of City on a Hill Charter Public School, Circuit Street and City on a Hill Charter Public School, Dudley Square into one charter for City on a Hill Charter Public School with a grade span and enrollment as indicated, with the renewal and consolidation explicitly conditioned as follows.

Commonwealth Charter School:

City on a Hill Charter Public School (consolidation with increase in enrollment)

Location: Boston

Districts in Region: Boston

Maximum Enrollment: 400

Grade levels: 9-12

Condition 1: Until further notice, the school must submit to the Department of Elementary and Secondary Education (Department), at charterschools@doe.mass.edu or 75 Pleasant Street, Malden, MA 02148, board meeting agendas, materials, and minutes prior to each board meeting at the same time that these items are sent to the school's board members. These monthly materials must include financial statements to be presented to the board. These monthly financial reports must reflect all considerations in revenue and expenditures, including lines of credit, debt obligations, and fundraising.

Condition 2: By March 31, 2020 the school must submit evidence to the Department that it has provided the school community with notice of the school's renewal and that the school's charter has been placed on probation with conditions that the school must meet. The school must inform parents/guardians, teachers, staff, board members, students, and other community members of the school's current status.

Condition 3: By April 15, 2020, the school must establish an escrow account to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.

Condition 4: Until further notice, the school will provide weekly updates to the Department of the total number of students in attendance, and the total number of students on the waitlist, by close of business on Friday of each

week. The school must maintain student enrollment levels adequate to provide a strong academic program and financial and organizational viability, as determined by the Department.

Condition 5: By June 30, 2020 the school must submit to the Department for approval a comprehensive action plan for improving academic performance, school climate, staff culture, and faithfulness to its charter. The action plan must specify the evidence-based strategies the school will use to improve performance in mathematics, English language arts, and science for all student subgroups. The plan should also include strategies to provide a program that is faithful to the school's mission and key design elements and to improve school climate, including student discipline practices and staff culture. The action plan must set clear and specific implementation benchmarks, with a clear timetable and deadlines for completion of key tasks, sufficient to allow the school's board of trustees and the Department to monitor implementation. The school must provide evidence that it has shared its action plan with the school's community including, but not limited to, students, parents/guardians, and staff.

Condition 6: By July 31, 2020, the board of trustees must engage a consultant and participate in training about proper governance roles and responsibilities, including obligations related to the Open Meeting Law. The board must develop an action plan and schedule for adequate oversight of the school according to the Charter School Performance Criteria, Criterion 9: Governance.

Condition 7: By December 31, 2022, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in mathematics, English language arts, and science on the statewide assessment.

Condition 8: Enrollment at the City on a Hill Charter Public School is limited to 350 students. When the Commissioner determines that the school has met the conditions imposed on its charter, including the conditions for academic success, enrollment may increase to a maximum of 400 students. Should the school fail to increase student enrollment in accordance with a growth plan approved by the Commissioner or report fewer than 350 students enrolled at the school on October 1, 2024, the Board of Elementary and Secondary Education may reduce the school's maximum enrollment below 400 accordingly.

Failure of City on a Hill Charter Public School to meet any of these conditions may result in immediate suspension and revocation of the school's charter or the imposition of additional conditions. The Commissioner will review and report to the Board on the success or lack of success of City on a Hill Charter Public School in meeting the terms of probation and its charter

and, based upon his review, shall recommend such further action as he deems appropriate.

In addition to meeting the terms of probation, City on a Hill Charter Public School, like all charter schools, must comply with the terms of its charter. City on a Hill Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, 603 CMR 1.00, and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.

The vote was unanimous. Ms. Stewart, participating remotely, voted yes.

Secretary Peyser left at 10:40 a.m. and Assistant Secretary Tom Moreau sat in for him for the remainder of the meeting.

Chair Craven introduced Senior Associate Commissioner Russell Johnston and Associate Commissioner Rob Curtin to discuss the last item.

Potential Changes to 2020 District and School Accountability Reporting

Commissioner Riley said on September 24, 2019, the Department released the second year of results under the redesigned district and school accountability system; since then, the Department has been considering improvements that could be made to the system. The Commissioner said today the Board would begin discussing an amendment to the system for 2020 reporting and review the timeline for public comment and further discussion and action by the Board.

Mr. Curtin explained the proposed change, noting the Commissioner is not proposing regulatory changes, only changes to the accountability system to allow for incorporating a third year of data to make determinations. Mr. Curtin said another year of a consistent system allows for greater understanding among stakeholders. He explained the timeline, starting with today's initial discussion with the Board, after which the Department would seek public comment in March-April 2020 on the proposed changes and discuss them with the Board's Accountability and Assistance Advisory Council (AAAC), and concluding in May 2020 with a final Board discussion and vote. Mr. West endorsed the idea of not making major changes before having at least three years of experience with the new system. Assistant Secretary Moreau asked about the comment process. Mr. Curtin explained that because these are not regulatory changes, the Board does not need to vote to put them out for public comment; the Commissioner will proceed as outlined and then come back in May for approval of the revised document.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 10:45 a.m. subject to the call of the Chair.

The vote was unanimous. Ms. Stewart, participating remotely, voted yes.

Respectfully submitted,
Jeffrey C. Riley
Commissioner of Elementary and Secondary Education
and Secretary to the Board